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GOVERNMENT OF GOA

Department of Mines & Geology

Directorate of Mines & Geology

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Notification

34/10/2012-Mines(Part)/2370

In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Minor Mineral Concession Rules, 1985, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Amendment of rule 2.*— In rule 2 of the Goa Minor Mineral Concession Rules, 1985 (hereinafter referred to as the "principal Rules"), after clause (k), the following clause shall be inserted, namely:—

"(ka) "traditional sand extractor" means a person who belongs to a local community in the State of Goa, whose livelihood is dependent solely on extraction of sand by manual means and who had been granted

permission under sub-rule (1) of rule 7 for extraction of ordinary sand in the State of Goa at any point of time during the period 21-02-1974 to 31-12-2010 and includes a legal heir of such person;".

3. *Insertion of new rules 68A, 68B and 68C.*— In the principal Rules, after rule 68, the following rules shall be inserted, namely:—

"68A. *Application for grant of permission for sand extraction by manual means.*— (1) Any person who is born and whose birth is registered, in the State of Goa, and whose either of parents or grandparents' is born in the State of Goa and who is residing in the State of Goa atleast for a period of fifteen years may make an application for grant of permission in terms of sub-rule (3) hereof for sand extraction by manual means to the Competent Officer in Form H1 hereto.

(2) Every application under sub-rule (1) shall be accompanied with the following documents, namely:—

(i) receipted challan of an amount of Rs. 500/- (rupees five hundred only) paid in the Government treasury towards the fee for processing of application (which shall be non-refundable);

(ii) 15 years Residence Certificate of the applicant issued by concerned Mamlatdar;

(iii) copy of Certificate of Registration of canoe proposed to be used for extraction of sand, issued by Captain of Ports with make and dimensions of canoe;

(iv) NOC/Permission of the land owner in whose land the extracted sand will be unloaded and stacked before it is sold and/or transported;

(v) Form I and XIV and survey plan of the land on which the extracted sand will be unloaded and/or stacked before it is sold and/or transported;

(vi) Affidavit duly sworn by the Applicant before the Executive Magistrate or a Notary on non-judicial stamp paper of appropriate denomination stating that whether the applicant is a traditional sand extractor, he belongs to the local community in the State of Goa and his livelihood is dependent solely on extraction of sand by manual means;

(vii) copy of order issued under sub-rule (1) of rule 7 granting to him or his parent permission for extraction of ordinary sand in the State of Goa at any point of time during the period 21-02-1974 to 31-12-2010.

(viii) copy of Pan Card;

(ix) copy of election photo identity card;

(x) copy of Aadhaar Card.

(3) Applications received under sub-rule (1) shall be scrutinized by the Competent Officer and permissions for sand extraction by manual means shall be granted in the ratio of 70:30 between the applicants who are traditional sand extractors and the remaining applicants who are not traditional sand extractors. If the number of such applications received are more than the number of permissions for sand extraction which can be granted, then such permissions shall be granted in the same ratio on the basis of draw of lots.

68B. *Grant for permission for sand extraction.*— On receipt of an application

under sub-rule (1) of rule 68 A, the Competent Officer may, after making scrutiny of applications in terms of sub-rule (3) of rule 68 A and such enquiries as he deems fit, grant a permission in terms of said sub-rule (3) of rule 68A for sand extraction by manual means to the applicant in an area within the limits of the zones so permitted by the State Environment Impact Assessment Authority or refuse to grant such permission.

68C. *Conditions of sand extraction.*— The permission for sand extraction granted under rule 68B shall be subject to the following conditions, namely:—

(a) The extraction of sand shall not be carried out by the licensee or any person on his behalf by using any mechanical device. If a licensee or any person on his behalf is found using mechanical device for carrying out extraction of sand, the Competent Officer/Inspecting Officer or any person authorized by him in this behalf shall seize all tools, equipment and machinery and the Competent Officer after affording a reasonable opportunity of hearing to the licensee, cancel permission for sand extraction granted and no application for grant of permission for sand extraction of such person shall be entertained in future.

(b) No licensee shall extract sand beyond 1000m³ in a year from the zones demarcated by the Government. The site of such zone shall be inspected by the designated officers of the National Institute of Oceanography (NIO) through Department of Environment annually to study and verify the extent of sand extracted by the licensee. If the NIO reports that the licensee has extracted sand beyond 1000m³, then the permission granted to such licensee shall be cancelled with immediate effect and he shall be debarred for a period of three years from submitting application for grant of such permission.

(c) The Competent Officer may without giving prior notice at any time by a

written order direct the stoppage of extraction of ordinary sand and the licensee shall not have any right for compensation against such stoppage.

(d) The licensee shall undertake adequate safety measures during sand extraction by providing required safety gadgets and health-care facilities to the workers engaged by him for sand extraction.

(e) The licensee shall ensure that the activity of sand extraction is carried out only between 6.00 a.m. to 6.00 p.m.

(f) The Government reserves the right to restrict the sand extraction activities especially during the monsoon season uniformly which may be from 1st June to 30th September of every year or during such hours or the day as may be decided by the Government. The Government may reserve its right to restrict any other day or days within the

State, District or within a cluster of any river as it may deem fit and the licensee shall not raise any grievance against such restrictions.

(g) All sand extracted by the licensee shall be stacked or stored close to the bank of river on land belonging to the Government or private land for the purpose of ascertainment of the quantity extracted and for the purpose of levy of royalty.

(h) No sand extracted, stacked or stored shall be transported or traded unless royalty on the same is paid to the Government and transport permit is issued. For this purpose, hand held devices could be put to use for generation of trip sheet at site by the licensee on real time basis".

(4) *Insertion of new Form H1:*— In the Principal Rules, after Form H, the following Form shall be inserted, namely:—

FORM H1

Application for Grant of Permission for Sand Extraction by Manual Means

[(See rule 68A(1)]

From:-

Contact No.:

To,
The Director,
Directorate of Mines & Geology,
Institute Menezes Braganza,
Panaji-Goa.

Affix Photo

Sir,

1. I/We submit an application with checklist of required documents, for grant of permission for sand extraction for a term of one year in _____ zone of _____ River.
2. The Processing Fee of Rs. 500/- has been paid in the Government treasury at _____ (place) and the receipted challan is enclosed.
3. The required particulars are given below:
 - (i) Name of the applicant: _____
 - (ii) Nationality of the applicant: _____
 - (iii) Profession of the applicant: _____

(iv) Address of the applicant: _____

(v) Details of the plan of the zone applied for to be enclosed.

(a) Has the applicant any previous experiences in sand extraction, Yes/No

If yes details thereof: _____

(vi) Financial resources of the applicant: _____

(vii) Total investment in the operations anticipated: _____

(viii) Particulars of the receipted treasury challan for the fees: _____

(ix) Any other particulars which the applicant wishes to furnish: _____

Address of the Office: _____

(x) Canoe Registration Details:

(a) Canoe No. 1: _____

(b) Canoe No. 2: _____

Yours faithfully

Place:

Signature of the applicant"

Date:

By order and in the name of the Governor of Goa.

Dr. Suresh Shanbhogue, Director & ex officio Joint Secretary.

Panaji, 1st December, 2022.

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